

HOUSE BILL 1019

F1

2lr2148
CF SB 708

By: **Delegates Murphy, Barve, Branch, Carr, Frick, Gilchrist, Howard, Hubbard, Ivey, Kipke, Luedtke, Rosenberg, Ross, Stukes, Summers, ~~and Walker~~ Walker, and Cardin**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 1, 2012

CHAPTER _____

1 AN ACT concerning

2 **County Boards of Education – Green Product Cleaning Supplies – Written**
3 **Policies**

4 FOR the purpose of requiring a county board of education, on or before a certain date,
5 to adopt certain written policies relating to the procurement of green product
6 cleaning supplies subject to certain exceptions; requiring certain county boards,
7 on or before a certain date, to provide certain notice to the State Department of
8 Education under certain circumstances; and generally relating to the
9 establishment of written policies relating to the procurement of green product
10 cleaning supplies by county boards of education.

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 5–112
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2011 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Education**

19 5–112.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) This section does not apply to:

2 (1) Contracts for the purchase of books and other materials of
3 instruction as defined in the State Department of Education Financial Reporting
4 Manual;

5 (2) Emergency repairs; and

6 (3) Except as provided in subsection (e) of this section, a county
7 board's participation in contracts for goods or commodities that are awarded by other
8 public agencies or by intergovernmental purchasing organizations if the lead agency
9 for the contract follows public bidding procedures.

10 (b) (1) Except as provided in paragraph (2) of this subsection, if the cost of
11 any school building, improvement, supplies, or equipment is more than \$25,000, the
12 county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a
13 medium accessible to the general public, which includes:

14 (i) A newspaper of general circulation in the region;

15 (ii) The Maryland Contract Weekly or comparable State
16 publication; or

17 (iii) An electronic posting on a bid board and physical posting on
18 the local school system bid board.

19 (2) If the amount specified in paragraph (1) of this subsection differs
20 from the amount in § 13-109(a) of the State Finance and Procurement Article, the
21 amount in § 13-109(a) of the State Finance and Procurement Article shall apply under
22 paragraph (1) of this subsection.

23 (3) (i) The county board shall draft specifications that provide a
24 clear and accurate description of the functional characteristics or the nature of an item
25 to be procured, without modifying the county board's requirements.

26 (ii) The specifications may:

27 1. Include a statement of any of the county board's
28 requirements; and

29 2. Provide for the submission of samples, inspection, or
30 testing of the item before procurement.

31 (4) (i) Except as provided in subparagraph (ii) of this paragraph,
32 specifications that use one or more manufacturer's product to describe the standard of

1 quality, performance, or other characteristics needed to meet the county board's
2 requirements, must allow for the submission of equivalent products.

3 (ii) Subparagraph (i) of this paragraph does not apply if the
4 county board determines in the written specification that:

5 1. A particular manufacturer's product is required to
6 maintain compatibility of service or equipment;

7 2. A particular manufacturer's product is required to
8 meet the health needs of students;

9 3. Replacement parts or maintenance are a paramount
10 consideration; or

11 4. A product is purchased for resale.

12 (c) (1) A contract for the school building, improvements, supplies, or other
13 equipment shall be awarded to the lowest responsible bidder who conforms to
14 specifications with consideration given to:

15 (i) The quantities involved;

16 (ii) The time required for delivery;

17 (iii) The purpose for which required;

18 (iv) The competency and responsibility of the bidder;

19 (v) The ability of the bidder to perform satisfactory service; and

20 (vi) The plan for utilization of minority contractors.

21 (2) The county board may reject any and all bids and readvertise for
22 other bids.

23 (d) (1) In this subsection, the term "minority business enterprise" has the
24 meaning stated in § 14-301 of the State Finance and Procurement Article.

25 (2) In Montgomery County, by resolution and by implementing
26 regulations, the Montgomery County Board of Education shall establish a minority
27 business utilization program to facilitate the participation of responsible certified
28 minority business enterprises in contracts awarded by the Montgomery County Board
29 of Education in accordance with competitive bidding procedures.

30 (e) (1) **(I)** In this subsection, "green product cleaning supplies" means
31 [cleaning and sanitizing supplies] **ENVIRONMENTALLY PREFERABLE CLEANING**

1 **11. SOAP.**

2 **(III) “GREEN PRODUCT CLEANING SUPPLIES” DO NOT**
 3 **INCLUDE:**

4 **1. ROOM DEODORIZERS;**

5 **2. AIR FRESHENERS;**

6 **3. TOILET DEODORIZERS; OR**

7 **4. HAND CLEANERS.**

8 (2) (i) **[To] SUBJECT TO SUBSECTION (F) OF THIS SECTION, TO**
 9 the extent practicable, and economically feasible, a county board shall procure green
 10 product cleaning supplies for use in its schools.

11 (ii) In accordance with subsection (b)(3) of this section, a county
 12 board shall draft specifications that provide a clear and accurate description of the
 13 functional characteristics or nature of the green product cleaning supplies that are to
 14 be procured.

15 (iii) The specifications drafted by a county board under
 16 subparagraph (ii) of this paragraph:

17 1. May not preclude the use when necessary of a
 18 disinfectant, disinfecting cleaner, sanitizer, or other antimicrobial product regulated
 19 by the Federal Insecticide, Fungicide, and Rodenticide Act under 7 U.S.C. § 136 et
 20 seq.; and

21 2. Shall allow for multiple avenues to obtain green
 22 product cleaning supplies certification, including:

23 A. **[The United States Environmental Protection**
 24 **Agency’s Design for the Environment Program (DfE);**

25 B.] **Green Seal, Green Label, Environmental Choice, [or**
 26 **U.S. Green Building Council] TERRA CHOICE, OR ECOLOGO; and**

27 **[C.] B. Any other [accreditation] NATIONALLY**
 28 **RECOGNIZED INDEPENDENT THIRD-PARTY ~~CERTIFIER~~ ENTITY THAT CERTIFIES**
 29 **ENVIRONMENTALLY PREFERABLE PRODUCTS THAT the county board determines**
 30 **to be appropriate.**

31 **(3) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2)(I) OF THIS**
 32 **SUBSECTION, ON OR BEFORE JULY 1, 2013, A COUNTY BOARD SHALL ADOPT**

1 WRITTEN POLICIES FOR THE PROCUREMENT OF GREEN PRODUCT CLEANING
2 SUPPLIES FOR USE IN ITS SCHOOLS.

3 (II) THE WRITTEN POLICIES SHALL:

4 1. REQUIRE THE USE OF GREEN PRODUCT
5 CLEANING SUPPLIES;

6 2. ~~ESTABLISH~~ ON OR BEFORE JULY 1, 2014,
7 ESTABLISH GUIDELINES FOR PURCHASING GREEN PRODUCT CLEANING
8 SUPPLIES THAT MEET THE CERTIFICATION REQUIREMENTS OF ~~GREEN SEAL,~~
9 ~~GREEN LABEL, ENVIRONMENTAL CHOICE, OR~~ ANY ESTABLISHED AND
10 NATIONALLY RECOGNIZED INDEPENDENT THIRD-PARTY ~~CERTIFIER~~ ENTITY
11 THAT CERTIFIES ENVIRONMENTALLY PREFERABLE PRODUCTS AND ADHERES
12 TO CONSENSUS STANDARDS FOR LESSER OR REDUCED EFFECTS ON HUMAN
13 HEALTH AND THE ENVIRONMENT WHEN COMPARED TO COMPETING PRODUCTS
14 THAT SERVE THE SAME PURPOSE;

15 3. ESTABLISH GREEN CLEANING PRACTICES,
16 INCLUDING STORAGE, APPLICATION, FREQUENCY OF USE, AND DISPOSAL OF
17 THE SUPPLIES TO ENSURE THAT THE OCCUPANTS OF A SCHOOL BUILDING DO
18 NOT SUFFER ANY ADVERSE HEALTH EFFECTS AS THE RESULT OF THESE
19 PRACTICES; AND

20 4. REQUIRE STAFF TRAINING ON IMPLEMENTING
21 THE POLICY.

22 (F) ~~A~~ ON OR BEFORE JUNE 30 EACH YEAR, A COUNTY BOARD THAT
23 DOES NOT PROCURE GREEN PRODUCT CLEANING SUPPLIES FOR USE IN ITS
24 SCHOOLS BECAUSE DOING SO IS NOT PRACTICABLE OR ECONOMICALLY
25 FEASIBLE SHALL PROVIDE ANNUAL WRITTEN NOTICE OF THIS FACT TO THE
26 DEPARTMENT.

27 [(f)] (G) Nonpublic schools may participate under any contracts for goods or
28 commodities that are awarded by county boards, other public agencies, or
29 intergovernmental purchasing organizations, if the lead agency for the contract award
30 follows public bidding procedures.

31 [(g)] (H) A contract entered into or purchase made in violation of this
32 section is void.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.